

SUMMARY ANALYSIS OF AMENDED BILL

Franchise Tax Board

Author: Papan Analyst: Darrine Distefano Bill Number: AB 1014

Related Bills: See Prior Analysis Telephone: 845-6458 Amended Date: 08-20-2001

Attorney: Patrick Kusiak Sponsor: _____

SUBJECT: Public Records Disclosure Procedure/State Agencies State Date & Time Records Will Be Available

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

☒ AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as amended July 2, 2001.

FURTHER AMENDMENTS NECESSARY.

DEPARTMENT POSITION CHANGED TO _____.

REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED July 2, 2001

☒ STILL APPLIES.

OTHER - See comments below.

SUMMARY

When responding to a California Public Records Act (the Act) request, this bill would require an agency to:

- * Estimate the date and time public records would be available to the requester; and
- * Provide additional services when assisting the requester.

SUMMARY OF AMENDMENT

The August 20, 2001, amendments made the following changes:

- * Places a reasonableness limitation on the extent to which a public agency is required to assist the public to identify records; and
- * Expands an agency's requirement to identify records and information that may be responsive to the purpose of the request.

The amendments did not resolve the department's implementation or technical considerations with respect to the bill as amended July 2, 2001. Accordingly, the unresolved implementation and technical considerations are repeated below for convenience. The remainder of the department's analysis of the bill as amended May 1, 2001, still applies.

Board Position:

☐ S ☐ NA ☐ NP
☐ SA ☐ O ☐ NAR
☐ N ☐ OUA ☒ PENDING

Legislative Director

Date

Brian Putler

09/07/01

POSITION

Pending.

IMPLEMENTATION CONSIDERATIONS

The bill would introduce the term "information" to the Act. Presently, the Act requires the release only of disclosable public records, not "information." It is unclear what "information" the bill requires an agency to identify. To be consistent with the provisions of the Act, the department would interpret "information" to mean a public record. However, it would be preferable if the term "information" is clarified or defined.

TECHNICAL CONSIDERATIONS

The author may wish to clarify that the bill would apply to requests for public records made on or after January 1, 2002. This would reduce potential confusion regarding requests that have been made before that date and are still being processed.

LEGISLATIVE STAFF CONTACT

Darrine Distefano
Franchise Tax Board
845-6458

Brian Putler
Franchise Tax Board
845-6333